

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RHP MASTER FUND, LTD.,)
Plaintiff,) ECF CASE
) Civil Action No. 08-CV-4281 (LTS)
-against-)
) **NOTICE OF MOTION TO DISMISS**
) **THE COMPLAINT BY INDIVIDUAL**
) **DEFENDANTS JOHN H. BAUER,**
) **JAMES A. BIANCO,**
) **LOUIS A. BIANCO, VARTAN**
) **GREGORIAN, RICHARD L. LOVE,**
) **MARY O'NEIL MUNDINGER,**
) **PHILLIP M. NUDELMAN, JACK W.**
) **SINGER, and FREDERICK W.**
) **TELLING**
) **ORAL ARGUMENT REQUESTED**
)-----X

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law and the Declaration of Daniel J. Dunne, Esq., and the Exhibit attached thereto, Defendants John H. Bauer, James A. Bianco, Louis A. Bianco, Vartan Gregorian, Richard L. Love, Mary O'Neil Mundinger, Phillip M. Nudelman, Jack W. Singer, and Frederick W. Telling (the "Individual Defendants"), by their attorneys, will move this Court, before The Honorable Laura Taylor Swain, United States District Court Judge, at the United States Courthouse of the Southern District of New York, 500 Pearl Street, New York, New York 10007, Courtroom 17C, at a date and time to be set by this Court, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) dismissing the Complaint against the Individual Defendants.

Pursuant to Rule 2.B of the Court's Individual Rules, the Individual Defendants, through their attorneys, have used their best efforts to resolve informally the matters raised in their submission. Counsel for the Individual Defendants has delivered written correspondence to

counsel for the Plaintiff outlining their legal and factual position on the matters set forth in their Motion to Dismiss the Complaint, and engaged with counsel for the Plaintiff in a telephonic discussion of the matters set forth therein. Despite these efforts, the issues raised by the Individual Defendants' Motion to Dismiss the Complaint remain unresolved.

Dated: July 17, 2008
New York, New York

Respectfully Submitted,
HELLER EHRMAN LLP

By: /s/ Eric. M. Creizman

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Frederick W. Telling.